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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,366	12/04/2003	Norbert Raimann	DP-308031	6379
22851	7590	03/14/2006	EXAMINER	
DELPHI TECHNOLOGIES, INC.			PRICE, CRAIG JAMES	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			3753	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,366

Applicant(s)

RAIMANN ET AL.

Examiner

Craig Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003 and 22 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/04/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-11 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1,3/1,12 and 14/12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto (4,716,931) in view of Schmid (5,046,471).

Shibamoto discloses a vehicle fuel tank, having a component (30a) mounted therein, the tank comprising, a tank wall (20b), a shaft (8) having a first end and a second end, a base portion (8b) arranged on the first end of the shaft, the base portion comprising a weld area (Col.2, Lns. 36-40) on its surface facing said tank wall, wherein weld material is arranged in the weld area for welding the shaft to the tank wall, and a component mounted on the second end of the shaft characterized in that the base portion is wider than the weld area, and is configured so as to, when mounted to the tank wall, at least partially rest on the tank wall as shown in Figures 2 and 3.

Shibamoto lacks a circumferential area of the base portion. Schmid discloses a vehicle fuel tank that teaches the use of a circumferential area base portion (28) welded to the tank (Col 2, Lns. 42-44).

It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the circumferential area base portion of Schmid onto the base of Shibamoto in order to provide the throughgoing openings so that the fuel to be fed can flow from the supply tank to the suction filter (Col. 2, Lns. 66-68).

4. Claims 2 and 3/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto and Schmid as applied to claim 1 above, and further in view of Fukushima et al. (6,251,498).

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Shibamoto in view of Schmid is silent as to the weld thickness.

Fukushima et al. recognizes that the thickness of the weld material is a results-effective variable, i.e. a variable that achieves a recognized result. In the instant case, Fukushima et al. discloses that a weld thickness less than 2mm is too weak, while a weld thickness greater than 5mm causes problems in sound bridging (see column 4, lines 6-11). Since the prior art recognizes the weld thickness as a results-effective variable, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have chosen the thickness of the weld between 2mm and 5mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art (see MPEP 2144.05).

5. Claims 13 and 14/13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto and Schmid as applied to claim 1 above, and further in view of Moll et al. (6,203,286).

Shibamoto in view of Schmid is silent as to the weld thickness and Moll et al. discloses at least three protrusions (at inlet I) in communication with the bottom of a vehicle fuel tank as shown in the figure. Certainly the protrusions appear equidistant, however, one of ordinary skill in the art at the time of invention would have made the at least three protrusions equidistant in order to support the load from the component in an equivalent manner to maintain a proper level of the component so that the component properly performs the given function.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gens (4,304,530), Otto et al. (4,306,844), Benjey et al. (5,404,907), Palazzo (5,501,243), Tomioka et al. (5,522,417), Turpin et al. (5,971,002), Cotton et al. (6,058,964), Yoshioka (6,065,452), Noda (6,241,883), Kochsmeier et al. (6,260,542) all disclose similar tanks with components mounted within.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 8AM - 5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP



8 March 2006



Eric Keasel
Primary Examiner
Art Unit 3754